

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Claims 13, 15-16, and 18-26 and 28 are now pending.

Claim 27 was objected to under 35 USC 1.75(c) as allegedly being in improper dependent form. While applicant remains of the view that claim 27 set forth structural details of the invention not set forth in independent claim 13, so as to be in proper dependent form, to advance prosecution and reduce outstanding issues, claim 27 has been canceled above. It is noted that claim 13 does not require that the tubular body be made by means of extrusion or that the supplying and discharge ducts be integrally formed with the tubular body during such extrusion. Therefore, claim 13 is broad enough to read on a tubular body made by means other than extrusion and/or a catheter wherein supplying and discharge ducts are not integrally formed with tubular body.

Claims 13-16, 20, 21, 23, 24, 26 and 27 were rejected under 35 USC 112, second paragraph, as being indefinite. In this regard the Examiner noted that "said longitudinal end thereof" lacks sufficient antecedent basis and it was unclear to the Examiner what applicant regards as the longitudinal end thereof and requested that applicant identify the reference numeral. Claim 13 has been revised above to change "the longitudinal end" to --a distal end--, constituent with the disclosure. In the illustrated example embodiments, the central duct as identified with reference numeral 2 and the distal end thereof, where the central duct has an opening between the expandable/contractible elements, is identified with reference numeral 4. It is believed that with this revision, claim 13 properly presents this limitation, is clear and is fully supported by the original disclosure. Reconsideration and withdrawal of the rejection under 35 USC 112, second paragraph, is solicited.

Claim 1 was rejected under 35 USC 102(b) as being anticipated by or obvious from Melinyshyn et al. Applicant respectfully traverses this rejection. However, to advance prosecution, claim 1 has been canceled above without prejudice. It is therefore respectfully submitted that the Examiner's rejection has been mooted.

Claims 13, 21, 24 and 27 were rejected under 35 USC 102(b) as being anticipated by Keeling. Further, claims 18 and 19 were rejected under 35 USC 103(a) as being unpatentable over Keeling. Applicant respectfully traverses these rejections. However, to reduce issues and advance prosecution, claim 13 has been amended above to incorporate the limitations of dependent claim 14. Claims 18, 19, 21, and 24 depend directly or indirectly from amended claim 13. It is therefore respectfully submitted that the Examiner's rejection has been mooted.

Claim 20 was rejected under 35 USC 103(a) as being unpatentable over Keeling in view of Gants. Applicant respectfully traverses this rejection. However, in view of the amendment to claim 13 presented above, the Examiner's rejection of claim 20 has been mooted. Reconsideration and withdrawal of this rejection is solicited.

Applicant notes with appreciation the Examiner's indication that claims 14-16, 23 and 26 contain allowable subject matter and that claims 22, 25 and 28 are allowable. Claim 13 has been amended above to incorporate the allowable limitations of claim 14 and claim 14 has been canceled. Thus, claims 13, 15-16, 18-21, 23-24, and 26 should all now be allowed. Claims 22, 25 and 28 were already allowable as noted above.

Attached is a Form PTO-1449 listing the enclosed document, cited for the Examiner's consideration in connection with this application.

Request is hereby made under Rule 97(d) to consider this Information Disclosure Statement for which the \$180 fee is enclosed. It is hereby certified that the listed document was first cited in an Official Communication issued by the European Patent Office on February 24, 2005. A copy of the Official Communication is attached.

The attached document is not considered particularly relevant to the invention of amended claim 13, however, because claim 13 as amended hereinabove explicitly provides "a main body having a first, larger diameter and an extension portion... having a second, smaller diameter", whereas the attached publication WO 99/66977 discloses only a catheter with a single body and having only one diameter. It is also noted that the Examiner's Official Communication relates to a set of claims that is different from the set of claims now pending in this application.


This Information Disclosure Statement is intended to be in full compliance with the rules, but should the Examiner find any part of its required content to have been omitted, prompt notice to that effect is earnestly solicited, along with additional time under Rule 97(f), to enable Applicant to comply fully.

Consideration of the foregoing and enclosures plus the return of a copy of the herewith Form PTO-1449 with the Examiner's initials in the left column per MPEP 609 are earnestly solicited.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

Respectfully submitted,

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